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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,178	03/16/2001	Toyohisa Oya	2870-0164P	5742

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EXAMINER
CHEA, THORL

ART UNIT	PAPER NUMBER
1752	9

DATE MAILED: 09/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/809,178	Applicant(s) OYA ET AL. TD
	Examiner Thorl Chea	Art Unit 1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9 and 11-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-9, 11-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *8*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-9, 11-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3-8 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over either Takeuchi or Nakamura et al (Nakamura). Note to Takeuchi in the abstract, the exemplified compound in columns 5-20 compound I-1 to I-28, column 63, lines 49-63; Nakamura in the abstract, exemplified compound in columns 7-33, compounds (1) to (90), and column 116, lines 57-67, column 117, lines 1-4. TaKeuchi and Nakamura disclose both photosensitive silver halide material and heat-development light sensitive material. In the case of a heat-development light sensitive material the light-sensitive silver halide emulsion may be used together with an organosilver salt oxidizing agent. Thus, the worker of ordinary

skill in the art would have understood that the material taught in Takeuchi and Nakamura can be either a silver halide photographic material or heat-development light sensitive material in the absence or presence of an organosilver salt oxidizing agent. Accordingly, the invention as claimed is either anticipated by or would have been found obvious over either Takeuchi or Nakamura.

5. Claim 9, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Takeuchi or Nakamura as applied to claims 1, 3-8 above, and further in view of Cerquone et al (Cerquone) and EP 0762196 (EP'196).

Cerquone discloses a photothermographic material, which contains a combination of the use of the color developer for dye forming coupler and the reducing agent for silver ion. Note for instant the sulfoamidophenol and the reducing agent, which react with silver salt oxidizing agent to produce desired dye image (column 6, compound A to D and lines 50-60). EP'196 discloses a phenol compound as reducing agent for silver salt. Note for instance compound A on page 2 and compound on page 3. therefore, it would have been obvious to use the phenol compound as reducing agent for silver ion in combination with the color developer taught in either Takeuchi or Nakamura with an expectation of producing a desired dye image, and thereby provide the invention as claimed.

6. Claims 17-22, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Takeuchi or Nakamura et al (Nakamura.) in view of the combination of Cerquone et al (Cerquone) and EP 0762196 (EP'196). Note to Takeuchi in the abstract, the exemplified compound in columns 5-20 compound I-1 to I-28, column 63,

lines 49-63; Nakamura in the abstract, exemplified compound in columns 7-33, compounds (1) to (90), and column 116, lines 57-67, column 117, lines 1-4. TaKeuchi and Nakamura disclose both photosensitive silver halide material and heat-development light sensitive material. In the case of a heat-development light sensitive material the light-sensitive silver halide emulsion may be used together with an organosilver salt oxidizing agent. Cerquone discloses a photothermographic material which contains a combination of the use of the color developer for dye forming coupler and the reducing agent for silver ion. Note for instant the sulfoamidophenol and the reducing agent, which react with silver salt oxidizing agent to produce desired dye image (column 6, compound A to D and lines 50-60). EP'196 discloses a phenol compound as reducing agent for silver salt. Note for instance compound A on page 2 and compound on page 3. Therefore, it would have been obvious to use the phenol compound as reducing agent for silver ion in combination with the color developer taught in either Takeuchi or Nakamura with an expectation of producing a desired dye image, and thereby provide the invention as claimed.

7. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi or Nakamura et al (Nakamura) as applied to claims 1, 3-8 above, and further in view of JP10339934 (JP'934). The phthalazine compound has been known in JP'934 as to provide a photothermographic material with low fog and to improve photothermographic property. See US patent no. 6,146,822 which is equivalent to the JP'934 in column 5, compound (I). It would have been to the worker of ordinary skill in

the art to incorporate the phthalazine derivative taught in JP'934 for same reason, and thereby provide a material as claimed.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi or Nakamura et al (Nakamura) as applied to claims 1, 3-8 above, and further in view of JP200011206 (JP'206). The hydrogen bond-forming compound has been known in JP' 206 as to provide a photothermographic material with rapid heat development. See US patent no. 6,174,663 (Kato) which is equivalent to the JP'206 in column 2, compounds (I), (II). It would have been to the worker of ordinary skill in the art to incorporate the phthalazine derivative taught in JP'934 for same reason, and thereby provide a material as claimed.

9. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi or Nakamura et al (Nakamura) as applied to claims 17-22, 25-27 above, and further in view of JP10339934 (JP'934). The phthalazine compound has been known in JP'934 as to provide a photothermographic material with low fog and to improve photothermographic property. See US patent no. 6,146,822 which is equivalent to the JP'934 in column 5, compound (I). It would have been to the worker of ordinary skill in the art to incorporate the phthalazine derivative taught in JP'934 for same reason, and thereby provide a material as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thorl Chea whose telephone number is (703)308-3498. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet C Baxter can be reached on (703)308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9301 for regular communications and (703)872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

tchea
September 20, 2002

Thorl Chea
Primary Examiner
Art Unit 1752